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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/073,780	02/11/2002	Mervin Wood	A-22159/P1CGC 2050/DIV	5432
324	7590	03/08/2006	EXAMINER	
CIBA SPECIALTY CHEMICALS CORPORATION PATENT DEPARTMENT 540 WHITE PLAINS RD P O BOX 2005 TARRYTOWN, NY 10591-9005			SANDERS, KRIELLION ANTIONETTE	
			ART UNIT	PAPER NUMBER
			1714	
DATE MAILED: 03/08/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.



## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

((a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim s 30-33 are rejected under 35 U.S.C. 102(a and e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Ravichandran et al, US Patent No. 5, 977,219.
2. The rejection is repeated for reasons of record. The compounds of Ravichandran et al overlap with applicant's claimed compounds. For example, applicant requires that at least one of E<sub>1</sub>, E<sub>2</sub> and E<sub>2</sub>' be (CH<sub>2</sub>)<sub>m</sub> -CO-X-T<sub>1</sub>. Such a moiety as this is included on the benzotriazoles of

Art Unit: 1714

Ravichandran et al. The remainder of the basic benzotriazole structure is clearly known in the art as is taught by patentee. See col. 2, line 25 through col. 12, line 62. No patentable difference is readily ascertained between present and patented inventions.

### *Response to Arguments*

3. Applicant's arguments filed 12/5/05 have been fully considered but they are not persuasive. The species disclosed by Ravichandran et al correspond to those of applicant's claims. For example, applicant's bis-benzotriazole structure of formula (II) wherein  $E_2$  is  $(CH_2)_m - CO-X-T_1$  corresponds to the bis-benzotriazole structure of Ravichandran of formula (C) at col. 3, line 1 when  $R_5$  is a straight or branched chain alkylene interrupted by oxygen, depicted as  $-O-R_9-O-$ . The compound of formula (C) of Ravichandran also corresponds to applicant's claimed compounds n is 1 and when  $R_5$  is  $R_5$  is a straight or branched chain alky interrupted by oxygen.

4. Applicant argues that the  $T_1$  moiety of the present claims must possess at least 25 carbon atoms while Ravichandran has a maximum of 24. Even if this were the case, the present compounds would be related as the next adjacent homologues of Ravichandran's compounds and would be obvious thereover.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kriellion A. Sanders whose telephone number is 571-272-1122. The examiner can normally be reached on Monday through Thursday 6:30-7:00.

Art Unit: 1714

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on 571-272-1119. The fax phone numbers for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-2351.



Kriellion A. Sanders  
Primary Examiner  
Art Unit 1714

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